

Message Text

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ACTION VO-03

INFO OCT-01 ARA-06 ISO-00 LAB-04 SIL-01 CIAE-00 FBIE-00

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R 162300Z MAR 76

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 3644

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E.O. 11652: N/A

TAGS: ELAB, PFOR, MX

SUBJECT: SUPREME COURT DECISION ON CALIFORNIA EMPLOYMENT LAW.

REF: STATE 062023

1. EMBASSY APPRECIATES INFORMATION AND ANALYSIS PROVIDED IN STATE REFTEL AND WILL MAKE AVAILABLE APPROPRIATE PORTIONS TO MEXICAN COMMISSION ON UNDOCUMENTED WORKERS. TEXT OF SUPREME COURT DECISION, TRANSMITTED STATE'S A-1298, MARCH 5, 1975, HAS ALREADY BEEN PROVIDED TO GOM.

2. WE ARE SOMEWHAT SURPRISED TO LEARN FROM PARAGRAPH FOUR OF REFTEL OF EARLIER CALIFORNIA COURT DECISIONS FINDING EMPLOYMENT STATUTE UNCONSTITUTIONAL FOR REASONS BEYOND THOSE CONSIDERED IN SUPREME COURT DECISION. WE INFER FROM DEPARTMENT'S ANALYSIS THAT CALIFORNIA STATUTE THEREFORE REMAINS INVALIDATED, PENDING JUDICIAL REVIEW OF THESE OTHER FACTORS. (IF WE ARE WRONG, PLEASE ADVISE US.)

3. ALTHOUGH STATE REFTEL AUTHORIZED TRANSMISSION OF CONTENTS PARAGRAPHS ONE TO THREE TO GOM, WE BELIEVE IT WILL BE USEFUL FOR MEXICAN COMMISSION MEMBERS TO BE AWARE ALSO OF PARAGRAPH 4 -- I.E. THAT NOTWITHSTANDING SUPREME COURT DECISION CALIFORNIA STATUTE STILL CANNOT BE IMPLEMENTED. KINDLY ADVISE WHETHER DEPARTMENT PERCEIVES ANY OBJECTION TO OUR ADDING THIS INFORMATION.

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THOMPSON

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Message Attributes

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